IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT D. MABE, INC., d/b/a Ashville)
Apothecary and Circleville Apothecary, et al.,)
)
 Plaintiffs,) 3:17-cv-01102-MEM
)
vs.) Judge Mannion
)
OPTUM RX.)
)
 Defendant.)

OPTUM'S MOTION TO COMPEL ARBITRATION AND DISMISS NON-ARBITRABLE CLAIMS

Defendant, Optum Rx ("Optum"), pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, moves this Court for entry of an order compelling arbitration of and dismissing the claims asserted by the Plaintiff pharmacies identified in the attached Memorandum that derive their rights from contracts containing arbitration clauses. In addition, and in the alternative, Optum moves to dismiss the claims asserted by each of the Plaintiff pharmacies for failure to state a claim upon which relief may be granted. Optum further moves to dismiss the claims of the Plaintiff pharmacies identified in the attached Memorandum that are not subject to arbitration clauses for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1). In Support of its Motion to Compel

Arbitration and Dismiss Non-Arbitrable Claims, Optum submits the accompanying

Memorandum of Law.

Dated: December 5, 2017   Respectfully submitted,

                                           By: */s/ Claudia L. Cortes*

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CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2017 a true and correct copy of the foregoing *Optum's Motion to Compel Arbitration And Dismiss Non-Arbitrable Claims* has been filed and served electronically using the Court's ECF/CM system and is available for viewing and downloading.

/s/   *Claudia L. Cortes*
Claudia L. Cortes